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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,880	12/09/2003	Phil A. Markey	90046.CIP2	6700
9355	7590	08/23/2005	EXAMINER	
JACQUELINE E. HARTT, PH.D			TRUONG, BAO Q	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.			ART UNIT	
P.O. BOX 3791			PAPER NUMBER	
ORLANDO, FL 32802-3791			2875	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,880	<b>Applicant(s)</b> MARKEY ET AL.	
	<b>Examiner</b> Bao Q. Truong	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/22/2004</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Australia on 09/07/1999. It is noted, however, that applicant has not filed a certified copy of the 47417/99 application as required by 35 U.S.C. 119(b).

### ***Specification***

2. The abstract of the disclosure is objected to because "comprises" in line 1 should be changed to –includes— or –have--. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: "its" in line 10 should be changed to what it refers. "said support members" in lines 12-14 should be changed to –said respective support members-- for consistency. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaslin [US 4,206,495] in view of Shankle et al. [US 6,195,016].

Regarding claim 1, McCaslin discloses a lighting apparatus having a light system [16], a support [42], a housing [60], a plurality of optic fibre [12] supported by a respective support member [14], a motor [34], and a transmission system [28, 32, 36] for imparting motion to the respective support member [14] (figures 1 and 2). However, McCaslin does not disclose the controller being coupled to the light system, which receives signals from the remote device to vary the wavelength of light emitted by the light system.

Shankle et al. discloses a fiber optic display system having a controller [30] being coupled to a light system [66], which receives signals from a remote device [50] to vary the wavelength of light emitted by the light system (figures 1-2, column 6 lines 30-35).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the lighting system of McCaslin with a controller receiving signals from a remote device as taught by Shankle et al. for purpose of providing an advantageous way of controlling a lighting system from a main station far away.

Regarding claims 2 and 3, Shankle et al. discloses a plurality of color LEDs (column 6 lines 50-55).

Regarding claim 4, Shankle et al. discloses a multi-color filter [60] with a plurality of sections [54] and a positioning motor [58] (figure 2).

Regarding claim 5, Shankle et al. discloses the sections [54] being arranged so that the filtered wavelength of light entering all of the optical fibre strands is the same (figures 2-4).

***Allowable Subject Matter***

6. Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Claim 6, the sections of the multi-colour filter are arranged so that the filtered wavelength of light entering at least two of the optical fibres strands is different.

Claim 7, the multi-colour filter comprises a shroud within which said light source is disposed.

Claim 8, the housing comprises first and second parts which can rotate relative to each other wherein the motor is disposed in the first part and the lighting system is disposed in the second part.

Claim 9 is dependent on claim 8.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. B.J. Dolan et al. [US 3,431,410] discloses an ornamental display with a first motor for filter, a second motor for slide tube, and fiber optics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875



**JOHN ANTHONY WARD  
PRIMARY EXAMINER**